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NEW YORK, NY 10038***Motion to be relieved and  
for appointment of new  
counsel is granted.*

May 1, 2020

Hon. Alvin K. Hellerstein  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, N.Y. 10007

*X* *Al* *14* *5-12-2020*

Re: United States v. Isaac Torres  
16 Cr. 233 (AKH)

Dear Judge Hellerstin:

Please accept this correspondence as a request to appoint CJA habeas counsel on behalf of Isaac Torres to facilitate his proceeding with a petition pursuant to 28 U.S.C. § 2255.

I previously represented Mr. Torres as CJA counsel. In late December, 2019, I applied to become the new CJA Case Budgeting Attorney for the Court of Appeals for the Second Circuit. I am pleased to advise the Court that on April 6, 2020 I was offered and have accepted that position. I shall commence my employment on May 4, 2020 in that capacity. In this capacity I shall not be able to further represent my CJA clients as counsel to effectively perform my duties and responsibilities while avoiding any potential conflict of interest.

On October 19, 2016 Isaac Torres plead guilty to two of the four charges in this four count Indictment: (1) conspiring to commit Hobbs Act robbery in violation of 18 U.S.C. § 1954(b)(1)("Count One"); and (2) possessing a firearm in furtherance of a crime of violence," in violation of 18 U.S.C. § 924(c)("Count Four").

On June 30, 2017 the Court sentenced Mr. Torres to 60 months imprisonment on Count One and 60 months on Count Four, to runs consecutive to Count One, for a total sentence of 120 months imprisonment. On November 1, 2019 this Court granted the co-defendant Angel Velasquez' petition for writ of habeas corpus and subsequently re-sentenced him on December 5, 2019 to Time Served. (See ECF 95, 99). Similarly, on March 24, 2020 this Court granted the co-defendant Carlos Ortiz' petition for a writ of habeas corpus and re-sentenced him on April 28, 2020 to Time Served. (See ECF 106, 112).

Each petition raised and this Court ruled that [per recent Supreme Court and Second Circuit decisions, conspiracy to commit Hobbs Act robbery is no longer a "crime of violence" predicate for purposes of section 924 (c). Torres, like Veasquez and Ortiz allocuted only to his conspiracy to commit Hobs Act



robbery and possession of a firearm in furtherance of that conspiracy. Therefore like his co-conspirators Torres did not substantiate any predicate for the section 924© violation. Accordingly, were Mr. Torres to file a petition pursuant to 28 U.S.C. §924(c), he should receive the same relief.

It is therefore respectfully requested that the Court appoint new CJA counsel to file such a petition o behalf of the Mr. Ortiz. In the alternative, it is respectfully requested that this Court threat this application as a petition for a writ of habeas corpus on the above stated basis, grant the application and re-sentence Isaac Torres to Time Served.

Respectfully submitted,

/s/ Alan Nelson

Alan Nelson

cc: All counsel (electronic mail)